

**REMARKS/ARGUMENTS**

Claims 1-19 and 21-36 are pending in this case. The final rejection of these claims was upheld by a Decision on Appeal of the Board of Patent Appeals and Interferences dated April 20, 2006. Claims 1-19 and 21-36 are further amended to overcome the outstanding rejections and cited art, and in a manner suggested by the Decision on Appeal

Under MPEP Section 706.07(h):

The filing of an RCE (accompanied by the fee and a submission) after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit (Federal Circuit) or the commencement of a civil action in federal district court, will also result in the finality of the rejection or action being withdrawn and the submission being considered. Generally, the time period for filing a notice of appeal to the Federal Circuit or for commencing a civil action is within two months of the Board's decision. See 37 CFR **1.304** and MPEP § **1216**. Thus, an RCE filed within this two month time period and before the filing of a notice of appeal to the Federal Circuit or the commencement of a civil action would be timely filed.

Claims 1-19 and 21-36, as amended, are submitted for examination as the RCE is deemed to be timely filed.

The Board addressed the issue of assigning the term "packet" its broadest reasonable interpretation during prosecution. The Board noted that "[t]hese claims on appeal could easily be amended to provide a definition for the term "packet" which would require the claim construction that appellants now argue." (Decision on Appeal at page 6, lines 8-10).


In response, claims 1, 22, and 33-36 have been further amended to recite that a packet is a unit of data of finite size that is transmitted as a unit. No new matter has been included in claims 1, 22, or 33-36. Support for this further limitation is found in the packet format examples at pages 10 and 11 of the specification, and in drawing figures FIG. 2A and FIG. 2B. Furthermore, it is deemed that the further limitation found in the amended claims is not "new" but only the meaning of the term "packet" originally contemplated.

In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

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